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BENJAMIN A. LEVIN

August 31, 2005

Via E-mail and U.S. Mail

Honorable John J. Hughes, U.S.M.J.
United States District Court, D.N.J.
Clarkson S. Fisher Fed. Bldg. & U.S. Cthse.,
Room 6000
402 E. State Street
Trenton, NJ 08608

Re: Richard Rosario and Angela Law v. PNC Bank
Civil Action No. 05-3764

Dear Magistrate Judge Hughes:

This firm represents defendant PNC Bank, N.A. in the above-referenced litigation. Yesterday, I received electronic notice from the Court that our firm's Application for an Extension of Time to Answer, Move or Otherwise Reply under Local Civil Rule 6.1(b) was granted.

At the time the application was filed, we were under the impression that our client had been properly served with a Summons and Complaint. We were subsequently informed by the Clerk's office that a Summons was never properly issued, and that therefore no deadline to answer existed which could be extended. Upon receipt from our client of the actual Summons, we determined that it had been issued in blank and not from the Clerk's office.

I thereafter contacted counsel for plaintiffs to explain the problems with service, and the parties have now agreed to proceed with a waiver of service pursuant to Federal Rule of Civil Procedure 4(d).

Accordingly, I would respectfully request that the Court withdraw its grant of PNC Bank's request for an extension, and allow the parties to proceed under the now agreed-upon framework.

Honorable John J. Hughes, U.S.M.J.

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I apologize to the Court for any confusion that this has caused, and I thank you in advance for your courtesies.

Respectfully yours,



Eugene J. Kuzinski

EJK/mt

cc: Arthur Penn, Esquire (Counsel for Plaintiffs)